

JUNE 23, 2015

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MEETING MINUTES**

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Hagan, with Councilors Ferguson, Drexel, Morrison, and Schwartz present along with City Attorney Fogo, City Manager Coleman, City Clerk/Acting City Manager Davidson, Police Chief Robinson, Finance Director Cowan, Parks & Recreation Director Ampietro, Community Development Director Westbay, several citizens and the press. A Council quorum was present.

Consideration of Minutes of June 9, 2015, Regular Session Meeting. City Clerk Davidson informed Council she made a clarification to the second paragraph on page two regarding the following: “marijuana business will be allowed to be open from 8am-10pm, Monday – Sunday, except that retail marijuana establishments may only be open from 1pm-6pm on Sundays.” Mayor Hagan also asked that consensus be changed to concession in the first sentence of that paragraph.

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the Regular Session Meeting Minutes of June 9, 2015, as amended.

Roll call vote, yes: Ferguson, Drexel, Hagan, Schwartz. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Morrison. She was absent from the meeting.

Pre-Scheduled Citizens:

Discussion on Refinancing of 2007 Recreation Bonds with Troy Bernberg of UMB Banks and Finance Director Ben Cowan. Mr. Bernberg and Director Cowan addressed Council. Mr. Bernberg assisted the City in 2007, with writing the ballot initiative and the recreation bonds. He and Director Cowan have been in discussions regarding refinancing those bonds. Discussion with Council included the following: interest rates are at historic lows and are predicted to rise in the later part of this year; refinancing could be accomplished by public offering at a potential annual cost savings of \$10,143 or forward refunding private placement at an approximately annual cash flow savings of \$43,119; there are possible blended options as well; there is a possible interest rate increase risk towards the last five years of the bonds but this may be mitigated by risk mechanisms; the City will still save money if interest goes up in the last five years; and the savings outweigh the risk. Director Cowan informed Council both he and Mr. Bernberg are recommending the full forward refunding private placement option and to roll the existing debt service of \$548,431.67 into the refinancing package to limit the amount of debt issuance. Council asked if there was a downside to the City regarding the refinancing and Director Cowan stated he didn't see any risks in this proposal.

Councilor Schwartz moved and Councilor Ferguson seconded the motion to approve the expenditure of funds not to exceed \$5,000 from the General Fund reserves to explore the possibilities of refinancing the remaining principal balance of the Series 2007 Sales and Use Tax Revenue Bonds.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.

Roll call vote, no: None.

Unfinished Business: None.

New Business:

Discussion on Pedestrian Crossings – Main and Tomichi. CD Director Steve Westbay reviewed the memo he and the City Manager provided in their packets. It outlines the work that has been done-to-date on the Complete Streets Urban Highway Corridor Design Project. The City has been working with consultants from Fox/Higgins/Hernandez on the transportation issues involved in the design project. This includes pedestrians, cyclists and vehicular traffic components. Coordination with CDOT is crucial for the project. City staff held a webinar with CDOT on June 10th and the proposed changes to the highway are undergoing review by CDOT. A special use permit for the lane striping will hopefully be issued by the end of July with striping taking place in August. City Manager Coleman stated that this is a new concept design for CDOT and it is a challenge but it is moving forward. They seem to have a willingness to work with the City.

Council discussion ensued. Councilor Morrison stated she doesn't think the proposals are enough. There needs to be slower speeds. City Manager Coleman explained that looking at changing the

speed limit on a State Highway can work both ways. If the State measures the speeds on a highway and determines that the average speed of 80% of the traffic measured is slower than the posted speed then the speed limit can be lowered. However, if the average vehicle speeds are higher, then it can warrant an increase in the speed limit. Councilor Morrison stated a visual slowdown could be a possibility. Mayor Hagan asked if the Complete Streets Project will include the intersection at Denver and Highway 135. Director Westbay indicated yes, it will. Director Westbay informed Council CDOT will be visiting Gunnison in August and Staff will discuss light sequencing and signage with them to increase pedestrian safety and still allow for traffic flow.

Mayor Hagan called for audience input.

Dave Kozlowski asked that traffic counts be done in June or July during the busiest time of the year. He would also like a reduction in the speed limit on the highway. He believes the demo project is a waste of money. He would also like to see more of the designs up front.

Molly Mugglestone stated she visited with Council last year and the issues are still not solved. She appreciates the work done thus far but kids still can't cross Highway 50 safely. She and others are willing to speak with CDOT if needed. Changes to ensure pedestrian and bicycle safety need to be done quickly. The crossing light at Spruce and Tomichi needs to have a longer crossing time since it is such a wide street. The turn at Highways 135 and 50 is very confusing. The signage needs to be changed because vehicles are not stopping for pedestrians in the crosswalks. There needs to be more crosswalk lights between Spruce and 11th Streets on Tomichi for kids crossing to school.

Carolyn Riggs has the same concerns as Molly. She passed out a memo to Council regarding bike and pedestrian safety. The City needs to start looking at the design of the streets from a pedestrian and biker point of view and not a driver point of view. Its not just an infrastructure design issue. There needs to be more education of drivers, pedestrians and bikers. The City has a Silver Level Bike Community status but she thinks we don't truly fit into that category.

Jonathan Houck stated the City needs to pursue additional pedestrian counts. They may be low because people can't or won't cross the highway. He informed Council the traffic light sensors don't appear to be working for the signals. Bikes don't activate the signals. In Carbondale they have installed the rapid-flash beacons at crosswalks. He attended an outdoor summit in Denver where the Governor is encouraging people to be outdoors and active to be healthy. He spoke with Betsy Jacobson with CDOT and she would be happy to work with Gunnison about bicycle improvements.

Carlie Kenton appreciates the work that is being done. However, we need something that people can see happening in terms of the Main and Tomichi intersection. We also need to look at the aesthetics of the highway plan.

Hap Channell, thanked Council for letting everyone speak on the issue. He supports the comments made so far. We can't use other towns for plans. We are not all the same. Not many people are able to cross Tomichi west of Main Street. He cited Delta for creating "intimate" space along their highway corridor through town and slowed the speed limits. If the goal is to slow traffic down on Highway 50 then we need to have political and community working together to get CDOT to make the change. It doesn't have to be a big budget.

Cathie Pagano thanked Staff and Council for the work underway. She would like to see more immediate work on the light sequencing and timing to get pedestrians across Tomichi. She made a suggestion for the City to work with the Arts Center on painting of the conceptual bulb outs at the intersections.

Mayor Hagan thanked all of the citizens and encouraged them to watch for notices about upcoming meetings with the Department of Transportation.

Statements of Opposition (2) Re: Tomichi Creek Basin Water Rights Cases. City Manager Coleman informed Council the water cases being brought to the Water Court by the Cross Bar Ranch in the Tomichi Creek drainage could involve approximately 106cfs of water flow. That is a lot of water. By filing an opposition in the cases, it allows the City to stay informed about the progress of the water cases.

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Councilor Schwartz moved and Councilor Morrison seconded the motion to approve filing the statements of opposition in cases 15CW16 and 15CW17 and to authorize the City Manager to sign both documents.

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson, Drexel. So carried.

Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 5, Series 2015, Re: *Gunnison Municipal Code and Land Development Code Text Amendments Regarding Marijuana Facilities Regulations; 2nd Reading.* Councilor Morrison introduced Ordinance No. 5, Series 2015, and it was read by title only by the City Manager.

Mayor Hagan asked for any discussion or amendments from Council prior to action on the Ordinance. Councilor Schwartz suggested allowing the use of the marijuana leaf in advertising or logos on a sign. Discussion ensued about the sign code and the recommendation from the Planning Commission not to allow the leaf.

Councilor Schwartz moved to make an amendment to Ordinance No. 5, Series 2015, to allow a marijuana leaf on the facility logo and sign. The motion died for lack of a second to the motion.

Further discussion by the public and Council ensued and included the following issues: businesses entrepreneurs are being penalized by not allowing them to use their marketing logos; why is the City penalizing businesses that are legal in the State; marijuana is still illegal on the federal level; the sign code can be reviewed and amended in the future; the marijuana leaf on signs increases visibility to youth; signage is not just about the almighty buck; the allowance of marijuana stores on North Main near the Community Center where kids go; and this is a new experience for everyone and the ordinance can be changed in the future. Experience will drive the change.

Councilor Morrison moved and Councilor Schwartz seconded the motion that Ordinance No. 5, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLES 3, 8 AND 14 OF THE CITY OF GUNNISON MUNICIPAL CODE AND THE LAND DEVELOPMENT CODE OF THE CITY OF GUNNISON, ESTABLISHING RULES, STANDARDS AND POLICIES FOR LICENSING AND REGULATING THE USE OF LAND WITHIN THE BOUNDARIES OF THE CITY OF GUNNISON FOR THE RETAIL SALE, CULTIVATION, MANUFACTURING, AND TESTING OF MARIJUANA AND MARIJUANA PRODUCTS**, be introduced, read, passed and adopted on second and final reading this 23rd day of June, 2015.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.

Roll call vote, no: None.

Ordinance No. 6, Series 2015, Re: *Gunnison Municipal Code Text Amendment Regarding Noise/Idling Engines, 2nd Reading.* Councilor Schwartz introduced Ordinance No. 6, Series 2015, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Ordinance No. 6, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING TITLE 5 GENERAL OFFENSES, CHAPTER 5.20 TRAFFIC, SECTION 5.20.020 ADDITIONS OR MODIFICATIONS, PART 12 PARKING, SECTION 1206 UNATTENDED MOTOR VEHICLES, OF THE CITY OF GUNNISON MUNICIPAL CODE**, be introduced, read, passed and adopted on second and final reading this 23rd day of June, 2015.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison. So carried.

Roll call vote, no: None.

Resolution No. 12, Series 2015; Setting Application and License Fees for Marijuana Facilities (Action if Ordinance No. 5, Series 2015, is Adopted). Councilor Drexel introduced Resolution No. 12, Series 2015, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve Resolution No. 12, Series 2015, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SETTING FEES FOR MARIJUANA ESTABLISHMENT REGULATION PURSUANT TO CITY OF GUNNISON ORDINANCE NO. 5, SERIES 2015**, be introduced, read, passed and adopted this 23rd day of June, 2015.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

Resolution No. 13, Series 2015; Re: Adoption of City Parks & Recreation Master Plan. Councilor Schwartz introduced Resolution No. 13, Series 2015, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Drexel seconded the motion that Resolution No. 13, Series 2015; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING THE GUNNISON PARKS AND RECREATION MASTER PLAN AS THE OFFICIAL GUIDE TO UTILIZE FOR FUTURE PARKS AND RECREATION PLANNING**, be introduced, read, passed and adopted this 23rd day of June, 2015.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.

Roll call vote, no: None.

City Attorney Kathleen Fogo: reported the issues with the Lazy K property title are being resolved. The tenant lease ends August 1st and closing will take place after that date.

City Manager: Ken Coleman reported the internet service provider for free Wi-Fi allows for 10 minutes per device per day. After that it is \$5.00 per device per day. Mike Lee will be attending the Region 10 Broadband meeting on Thursday. In a follow-up to the RiverFest schedule for this weekend, if the River flow is over 3500cfs then the events will be cancelled. The CARA gymnastics meet will take place this Saturday at the Community Center and work on the Senior Addition continues. The Army Corp. of Engineers representative will be here this week to look at the wetlands delineations on the VanTuyl Trails Project and the proposed dog park location.

City Clerk/Acting City Manager: Gail Davidson informed Council the City Clerk's Departmental report was included in their packets. The big project in the past six months was conducting the Regular Municipal Election. In spite of losing the entire tray of "M" mail ballots, that have never been located, the election was deemed a success. She also completed a successful school-year with the Youth City Council students. She and her department are gearing up for marijuana establishments licensing now that the Ordinance has been passed and adopted. They are producing licensing process packets for distribution to interested businesses. She then thanked her staff, Deputy City Clerk Tara Kindall and Court Clerk Melissa McLeod. She and the department couldn't function as efficiently without them. They are both a tremendous asset to the City and they are great to work with. City Manager Coleman echoed those sentiments. The whole department is great to work with and they assist him on many levels.

WSCU Liaison: Absent until fall semester.

Non-Scheduled Citizens:

City Council Discussion, Meeting Reports, Items for Work Session:

Councilor Ferguson: reported he attended the Better Cities Meeting. He heard a presentation from Gunnison County regarding the USDA Grant. He believes the Community Builders Task Force, the City Comprehensive Plan and the Better Cities programs, while not all the same, need to come together for common goals and outcomes.

Mayor Pro Tem Drexel: thanked the Public Works Department for their work on the trails resurfacing. It is a big improvement. He attended the Region 10 meeting and Region 10 reported they facilitated a loan from a local bank for a business in Paonia. Gunnison businesses are encouraged to utilize Region 10 for assistance with obtaining loans.

Councilor Morrison: reported she attended the Chamber Board meeting this morning and they are gearing up for the Downtown Block Party event. They have 26 businesses and vendors lined up to participate. There will be two beer gardens and two bands playing as well. The Chamber

Board also discussed the Ride-the-Rockies bike tour that came through Gunnison. Ridership was down this year. 2500 riders are allowed but only 1825 participated. The median riders' age was up this year as well.

Councilor Schwartz: reported he attended the CML Conference last week and he learned a lot. The classes were very informative. The workshop on Business Regionalization was informative. The class on the impact of marijuana establishments was cancelled. He hopes to attend the conference again next year.

Mayor Hagan: reported he too attended the CML Conference. There were a variety of classes and issues in the participating communities. Some of the issues included Broadband and free Wi-Fi service that is provided such as in downtown Montrose. He attended a workshop on "reading budgets" and thinks the City already does a good job with the narratives provided in our budget. He too attended the business regionalization workshop and they discussed the need for primary jobs, not just service sector jobs. Last night he attended the Upper Gunnison Water Board meeting. In their report, Taylor Reservoir is 1" from spilling, as is Blue Mesa Reservoir. Both Morrow Point and Crystal Reservoirs are spilling. Lastly, he will be attending the Capital Development luncheon at WSCU.

Mayor Hagan then called for any topics to be included on upcoming Council agendas. He would like to discuss design standards for under 50,000 sq. ft. businesses. He would like downtown to be more cohesive in appearance. He laments the appearance of the Family Dollar store.

Adjournment: Mayor Hagan called for any further discussion from Council, staff or the public, and hearing none, adjourned the meeting at 9:15 P.M.



Mayor



City Clerk